

**REMARKS**

Claim 13 has been amended. The originally filed Figures 1 - 5 have been cancelled. Replacement Sheets 1/5, 2/5, 3/5, 4/5, and 5/5 for the Figures of the Drawings have been submitted herewith. The specification has been amended. Claims 13 - 28 are currently pending in the present application.

In the Office Action, the drawings are objected to as failing to comply with 37 CFR 1.84(p)(5). Moreover, in the Office Action, the disclosure is objected to. Additionally, in the Office Action, claim 24 is rejected under 35 U.S.C. §102(b) as being anticipated by Pettinari EP 0 722 070. Furthermore, in the Office Action, claims 13 - 19 and 21 - 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Winkler US Patent Publication No. 2005/0106046 in view of Werke GmbH & Co. DE 200 15 726 U1. Also, in the Office Action, claims 20 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Winkler US Patent Publication No. 2005/0106046 and Werke GmbH & Co. DE 200 15 726 U1 as applied to claim 13 and further in view of Kudoh US Patent No. 6,354,287.

**The Objection to the Drawings**

With respect to the objection to the drawings, it is respectfully submitted that this objection is now moot in view of the cancellation of originally filed Figures 1 - 5 and the submission herewith of Replacement Sheets 1/5, 2/5, 3/5, 4/5, and 5/5 for entry into the record. New Figures 1 - 5 of the drawings now show individual reference characters 5A, 5B, 5C, 5D, 5E, and 5F in lieu of the original reference character "5" and the reference sign "13" has been added (to new Figure 4). Also, the specification has been amended to include the reference characters 5A, 5B, 5C, 5D, 5E, and 5F.

**The Objection to the Disclosure**

With respect to the objection to the disclosure, it is respectfully submitted that this objection is now moot in view of the cancellation of originally filed Figures 1 - 5 and the submission herewith of Replacement Sheets 1/5, 2/5, 3/5, 4/5, and 5/5 for entry into the record. New Figures 1 - 5 of the drawings now show individual reference characters 5A, 5B, 5C, 5D, 5E, and 5F in lieu of the original reference character "5."

**The Claimed Invention**

The present invention is directed to a ventilator housing and, in an exemplary embodiment recited, for example, in claim 13 of the present application as currently amended, the ventilator housing is configured for installation in an extraction hood and for accommodating at least one ventilator. As recited in claim 13 of the present application as currently amended, the ventilator housing includes a housing front, a housing back and a sidewall arrangement interconnecting the housing front and the housing back to one another at a spacing from one another as viewed in a depth direction. The ventilator housing recited in claim 13 of the present application as currently amended also includes at least one seat arrangement, the seat arrangement including a plurality of retention devices for detachable retention of a plurality of technical components for operating the ventilator on the seat arrangement. The retention devices include a plurality of grooves for inserting the components and a plurality of clip elements for securing the components in the grooves. The grooves receive the components inserted therein such that the components are secured with at least a portion of each of the components extending in the depth direction between the housing front and the housing back outwardly of the sidewall arrangement.

**The Rejection of Independent Claim 24 Under 35 U.S.C. §102(b) as Being Anticipated by Pettinari EP 0 722 070**

Claim 24 of the present application recites a ventilator housing for installation in an extraction hood, particularly in a flat extraction hood. The ventilator housing includes at least one of at least one condenser seat arrangement, at least one control board seat arrangement, at least one mains connection seat arrangement or at least one seat arrangement for a printed circuit board formed integrally with the ventilator housing.

Pettinari EP 0 722 070 discloses a motor-fan assembly 1 of a household hood and a recess 8 wherein electric componentry 7 to be connected to the hood's outside controls are located, including componentry 7a in the form of a circuit board (Fig. 2 of Pettinari EP 0 722 070).

The Office Action asserts that Pettinari EP 0 722 070 discloses a ventilator housing comprising at least one control board seat arrangement (8 and 7A) with at least one seat arrangement (8 and 7A) for a printed circuit board formed integrally with the ventilator housing. However, it is submitted that claim 24 of the present application recites a ventilator that is neither taught nor disclosed by Pettinari EP 0 722 070. For example, Pettinari EP 0 722 070 does not disclose, as asserted by the Office Action, at least one seat arrangement (8 and 7A) for a printed circuit board formed integrally with the ventilator housing. Instead, the electronic componentry 7a in the form of a circuit board of Pettinari EP 0 722 070 is mounted in a hood front panel 20A, not a "seat arrangement." For these and other reasons, Pettinari EP 0 722 070 does not anticipate under 35 U.S.C. §102(b) the subject matter defined by independent claim 24. It is therefore respectfully requested that the rejection of claim 24 under 35 U.S.C. §102(b) be withdrawn.

**The Rejection of Claim 13 Under 35 U.S.C. §103(a) as Being Unpatentable Over  
Winkler US Patent Publication No. 2005/0106046 in View of Werke GmbH & Co.  
DE 200 15 726 U1**

Winkler US 2005/0106046 discloses a double fan 20 having a lateral housing part 98. A circuit board 94 with its components 96 is located in the lateral housing part 98.

Werke GmbH & Co. DE '726 U1 discloses a wire holding arrangement (6) that is secured to a housing (2) of an exhaust hood (1) via fasteners (7) inserted into bores (8) in the housing (2).

The Office Action asserts that Winkler US 2005/0106046 teaches a ventilator comprising a seat arrangement 98 with the seat arrangement 98 including a plurality of fixture devices 102 for the detachable fixture of a plurality of technical components 94 and 96 for operating the ventilator. The Office Action notes that Winkler US 2005/0106046 does not teach grooves and clips for securing the seat arrangement. Nonetheless, the Office Action asserts that Werke GmbH & Co. DE '726 U1 teaches a ventilator housing wherein a retention device (6) includes a plurality of grooves (8) for inserting a plurality of technical components and a plurality of clip elements (7) for securing the components in the grooves (8). According to the Office Action, it would be obvious to one of skill in the art, at the time of the invention, to modify the housing taught by Winkler US 2005/0106046 with the housing taught by Werke GmbH & Co. DE '726 U1 in order to simplify the assembly of the housing and blower components and thereby reduce the cost of manufacturing.

It is submitted that, in fact, it would not have been obvious to one of skill in the art, at the time of the invention, to modify the housing taught by Winkler US 2005/0106046 with the housing taught by Werke GmbH & Co. DE '726 U1. Winkler US 2005/0106046, for example, discloses a miniature fan 62 having an encapsulated structure in the configuration of its lateral housing part 98 in which electric components are located. A flexible conductor 92 extends from a circuit board 94 in the lateral housing part 98 to a circuit board 90 in another compartment of the fan 62. In contrast, Werke GmbH & Co. DE '726 U1 is directed to an externally mounted wire holding arrangement (6) that is secured to a housing (2) of an exhaust hood (1). Combining Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 would seem to lead to a teaching that the wires of Winkler US 2005/0106046, such as its flexible conductor 92, should

not be mounted within the housing structure of the fan 62 but, instead, should be arranged in an arrangement externally mounted to the fan 62. This modification would thus seem to complicate, rather than simplify, the assembly of the housing and the blower components and, in fact, this modification may be additionally disadvantageous in that penetrations in the housing of the fan 62 of Winkler US 2005/0106046 may need to be added to permit entry of the now-externally mounted wiring into the fan housing.

Moreover, even if one of skill in the art would have been motivated, at the time of the invention, to modify the housing taught by Winkler US 2005/0106046 with the housing taught by Werke GmbH & Co. DE '726 U1, which Applicants submit would not have been the case, a combination of Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 would still fail to yield the ventilator housing recited in claim 13 of the present application as currently amended. For example, Werke GmbH & Co. DE '726 U1 does not teach or disclose, as recited in claim 13, a plurality of grooves for inserting the components and a plurality of clip elements for securing the components in the grooves. The Office Action asserts that Werke GmbH & Co. DE '726 U1 teaches a plurality of grooves (8) for inserting a plurality of technical components and a plurality of clip elements (7) for securing the components in the grooves (8). On Page 10 of the Final Office Action, it is asserted that the bores (8) of Werke GmbH & Co. DE '726 U1 comply with a dictionary definition of the word "groove" for the reason that a dictionary defines a "groove" as "a long narrow...depression" and each bore (8) of Werke GmbH & Co. DE '726 U1 is "a long narrow depression."

Attention is invited to claim 13 of the present application as currently amended, wherein the claim now recites that the grooves of the retention devices for detachable retention of a plurality of technical components receive the components inserted therein such that the components are secured with at least a portion of each of the components extending in the depth direction between the housing front and the housing back outwardly of the sidewall arrangement. It is submitted that the bores (8) of Werke GmbH & Co. DE '726 U1 cannot now be regarded as the equivalent of the grooves recited in claim 13 of the present application as currently amended. For example, it can readily be seen that the bores (8) of Werke GmbH & Co. DE '726 U1 do not, in the language of claim 13 of the present application as currently amended, "receive the components inserted therein such that the components are secured with at least a portion of each

of the components extending in the depth direction between the housing front and the housing back outwardly of the sidewall arrangement.” Instead, in Werke GmbH & Co. DE ‘726 U1, the bores (8) receive the clip elements (7) inserted therein and the wiring (9) is thus held relative to the ventilator housing in a disposition in which this wiring (9) extends across a respective front or back of the ventilator housing but does not, however, extend in the depth direction.

Accordingly, it is submitted that a combination of Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 would fail to yield the ventilator housing recited in claim 13 of the present application as currently amended.

A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See *In re Dembiczak*, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher." *Id.* (quoting *W.L. Gore & Assocs. Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)). In view of the fact that the prior art, as discussed, fails to provide any hint or motivation for combining Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1, and in view of the fact that Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 themselves lack the features of the ventilator housing of the present invention, it appears that only hindsight reasoning based upon the Applicants’ own disclosure could be the basis for the suggested combination of Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 and such hindsight reasoning is not permitted.

Upon evaluation of the combination of Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 proposed by the Office Action, then, it is respectfully submitted that a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to claim 13 has not been established. It is therefore respectfully requested that the rejection of claim 13 under 35 U.S.C. §103(a) be withdrawn.

**The Rejection of Claims 14 - 19, 21 - 23, and 25 - 27 Under 35 U.S.C. §103(a) as  
Being Unpatentable Over Winkler US Patent Publication No. 2005/0106046 in View  
of Werke GmbH & Co. DE 200 15 726 U1**

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 teach all the limitations of claim 13 and, referring to claim 14, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 is constructed integrally with the ventilator housing 22. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 teach all the limitations of claim 13 and, referring to claim 15, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 is arranged on the exterior of the ventilator housing 22 (fig. 3). However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 teach all the limitations of claim 13 and, referring to claim 16, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 includes fixing means 102 for securing the technical components 94 and 96. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 teach all the limitations of claim 13 and, referring to claim 17, the Office Action

additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the technical components 94 and 96 are secured in the seat arrangement 89 by positive 102 and non-positive (fig. 5) locking means. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 18, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement 98 includes a cover closure element 100 and 142 for closing the seat arrangement 98. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 19, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing wherein the seat arrangement has at least one opening (fig. 3) to allow a cable 92 to pass therethrough. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 and, referring to claim 21, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing including at least one of a condenser, a mains connector, a printed circuit board 90 or at least one control board detachably secured to the seat arrangement 98. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima*



*facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 teach all the limitations of claim 13 and, referring to claim 22, the Office Action additionally asserts that Winkler US 2005/0106046 further teaches a housing further comprising a plurality of at least one of channels, guides or retainers (fig. 3) for securing or passing through electrical wires 92 for connecting the technical components 94 and 96 to each other. However, even in the event that Winkler US 2005/0106046 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 teach all the limitations of claim 13 but notes that Winkler US 2005/0106046 does not teach the use of the housing in an extraction hood. Nonetheless, referring to claim 23, the Office Action asserts that Werke GmbH & Co. DE ‘726 U1 further teaches a housing wherein the ventilator housing (2) is provided for installation in an extraction hood, particularly in the suction channel or suction duct of said extraction hood (page 1, paragraph 1). However, even in the event that Werke GmbH & Co. DE ‘726 U1 teaches the above-noted feature, it is submitted that the rejection of this claim, which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1.

Claims 25 - 27, which depend ultimately from claim 13, recite various features of the ventilator housing relating to lateral grooves into which a circuit board can be inserted as well as the feature that the plurality of clip elements includes a positive locking element operable to resist withdrawal of a circuit board that has been inserted into a respective one of the lateral grooves. The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE ‘726 U1 teach all the limitations of claim 13 but notes that Winkler US 2005/0106046 does not teach the use of the housing in an extraction hood. Nonetheless, referring to claims 25, 26, and 27, the Office Action asserts that Werke GmbH & Co. DE ‘726 U1 further teaches a structure for multiple circuit boards if multiple circuit boards are required in a particular application.

However, even in the event that Werke GmbH & Co. DE '726 U1 teaches the above-noted feature, it is submitted that the rejections of claims 25, 26, and 27, each which ultimately depends from claim 13, should be withdrawn in view of the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1.

It is therefore respectfully requested that the rejections of claims 14 - 19, 21 - 23, and 25 - 27 under 35 U.S.C. §103(a) be withdrawn.

**The Rejection of Claims 20 and 28 Under 35 U.S.C. §103(a) as Being Unpatentable Over Winkler US Patent Publication No. 2005/0106046 in View of Werke GmbH & Co. DE 200 15 726 U1 and Further in View of Kudoh US Patent No. 6,354,287**

Kudoh '287 discloses a blower unit A for a range hood having an electrical wire box 4 and a cover 7. A taking-out port 21 secures a cord W to the electrical wire box 4.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 but notes that neither Winkler US 2005/0106046 nor Werke GmbH & Co. DE '726 U1 teach the use of a mechanism for strain relief of a cable. Nonetheless, referring to claim 20, the Office Action asserts that Kudoh US Patent No. 6,354,287 teaches at least one seat arrangement (4, 7) having at least one mechanism (21a) for strain relief of a cable. It is submitted that the rejection of claim 20 as being unpatentable over Winkler US Patent Application No. 2005/0106046 and Werke GmbH & Co. DE 200 15 726U1 and further in view of Kudoh US Patent No. 6,354,287 under 35 U.S.C. §103(a) should also be withdrawn in view of the absence of a *prima facie* case as noted above of the combination of Winkler US Patent Application No. 2005/0106046 and Werke GmbH & Co. DE 200 15 726U1 and in view of the failure of Kudoh US Patent No. 6,354,287 to overcome the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon the other two applied references.

The Office Action asserts that Winkler US 2005/0106046 and Werke GmbH & Co. DE '726 U1 teach all the limitations of claim 13 but notes that neither Winkler US 2005/0106046 nor Werke GmbH & Co. DE '726 U1 teach a cover which is movable between an open and closed position. Nonetheless, referring to claim 28, the Office Action asserts that Kudoh US

Patent No. 6,354,287 teaches a seat arrangement (7) that includes a housing (17a) and a cover element (17b) that is movable relative to said housing between an open position and a covering position (shown in Figures 10 and 11) and said mechanism for strain relief of a cable (21a) includes a first part on said housing (the hole in 17a) and a second part on said cover element (the U shaped opening in 17b) that cooperate together in the covering position of said cover element to compressively engage a cable extending therebetween to resist withdrawal of the cable out of said housing (shown in Figures 10 and 11). However, in Kudoh US Patent No. 6,354,287, the U shaped opening in 17b does not, in fact, play any part in retaining the outer cord supporting member Y that is communicated with the cover 7. This can clearly be seen in Figure 4 of Kudoh US Patent No. 6,354,287, wherein it is illustrated that the U shaped opening in 17b is spaced from the outer cord supporting member Y. Accordingly, Kudoh US Patent No. 6,354,287 does not teach or disclose, in the language of claim 28 of the present application, a seat arrangement that includes a housing and a cover element that is movable relative to the housing between an open position and a covering position and the mechanism for strain relief of a cable includes a first part on the housing and a second part on the cover element that cooperate together in the covering position of the cover element to compressively engage a cable extending therebetween to resist withdrawal of the cable out of the housing. Additionally, it is submitted that the rejection of claim 28 as being unpatentable over Winkler US Patent Application No. 2005/0106046 and Werke GmbH & Co. DE 200 15 726U1 and further in view of Kudoh US Patent No. 6,354,287 under 35 U.S.C. §103(a) should also be withdrawn in view of the absence of a *prima facie* case as noted above of the combination of Winkler US Patent Publication No. 2005/0106046 and Werke GmbH & Co. DE 200 15 726U1 and in view of the failure of Kudoh US Patent No. 6,354,287 to overcome the absence of a *prima facie* case of obviousness under 35 U.S.C. §103(a) based upon the other two applied references.

It is therefore respectfully requested that the rejections of claims 20 and 28 under 35 U.S.C. §103(a) be withdrawn.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of claims 13 - 28 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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